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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MASANOBU TAKEMOTO

Appeal 2017-002630
Application 14/029,282[1]
Technology Center 3700

Before ANTON W. FETTING, BRUCE T. WIEDER, and TARA L. HUTCHINGS, *Administrative Patent Judges*.

WIEDER, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 1–5. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

CLAIMED SUBJECT MATTER

Appellant's claimed invention relates to "providing a data collection system for electric discharge machines that is capable of collecting and storing various kinds of monitoring information during machining without

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[1] According to Appellant "[t]he real party in interest in this appeal is FANUC CORPORATION." (Appeal Br. 2.)

adding a large-capacity storage device to a numerical controller mounted on the electric discharge machine." (Spec. 2–3.)

Claim 1 is the sole independent claim on appeal. It recites (emphasis added):

> 1. A data collection system for electric discharge machines, comprising a computer connected with the electric discharge machines over a data transmission path, wherein
>
> information on machining conditions of an electric discharge machine, among the electric discharge machines, is stored in a first storage unit of the electric discharge machine,
>
> information sent from the electric discharge machine after completion of machining is collected by the computer,
>
> the electric discharge machine comprises:
>
> a detection unit that detects a physical quantity relating to machining conditions during machining either at predetermined intervals or each time a moving part of the electric discharge machine has traveled a predetermined distance,
>
> a determination unit that determines whether the physical quantity detected by the detection unit exceeds a predetermined threshold or not,
>
> *the first storage unit that*
>
> *stores the physical quantity or information indicating the fact that the physical quantity exceeds the threshold only when the determination unit determines that the detected physical quantity exceeds the predefined threshold*,
>
> *but does not store any information when the determination unit determines that the detected physical quantity does not exceed the predefined threshold*, and
>
> a transmission unit that sends the physical quantity or the information indicating the fact that the physical quantity exceeds the threshold, stored in the first storage unit, after the machining by the electric discharge machine, and

> the computer comprises:
>
> a reception unit that receives the physical quantity or the information indicating the fact that the physical quantity exceeds the threshold sent from the transmission unit after the machining by the electric discharge machine, and
>
> a second storage unit that stores the physical quantity or the information indicating the fact that the physical quantity exceeds the threshold, received by the reception unit.

REJECTIONS

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) in view of Fukuzaki (Japan Patent No. 2008-296314A, pub. Dec. 11, 2008), Satou (US 6,549,824 B1, iss. Apr. 15, 2003), and Tajima (Japan Patent No. 2000-334187A, pub. Dec. 5, 2000).

Claim 3 is rejected under 35 U.S.C. § 103(a) in view of Fukuzaki, Satou, Tajima, and Nagai (Japan Patent No. 2007-307661A, pub. Nov. 29, 2007).

Claim 4 is rejected under 35 U.S.C. § 103(a) in view of Fukuzaki, Satou, Tajima, Nagai, and Discenzo (US 2004/0267395 A1, pub. Dec. 30, 2004).

Claim 5 is rejected under 35 U.S.C. § 103(a) in view of Fukuzaki, Satou, Tajima, and Kinoshita (Japan Patent No. 60-242917A, pub. Dec. 2, 1985).

ANALYSIS

Appellant argues as an initial matter that the Examiner relies upon machine translations of Japanese language references and that machine translations are inherently inaccurate. (Appeal Br. 9.) Thus, Appellant argues, "by failing to provide accurate translations of the JP references, the Examiner has not demonstrated that he has considered the JP references as a whole, and therefore, the Examiner has not met the initial burden of establishing a *prima facie* case of obviousness." (*Id.*, footnote omitted.)

Appellant provides human-made translations of portions of the references. (*See id.*) But Appellant does not indicate what relevant parts of the Japanese language references were not translated or were improperly machine translated, or that the Examiner has not considered, as a whole, all of the relevant portions of the Japanese language references. Nor does Appellant point to any parts of the machine translations relied on by the Examiner that contain errors relevant to the Examiner's rejection. Therefore, Appellant has not persuaded us of reversible error with respect to the machine translations.

Appellant further argues that the rejection does not specify how the prior art combination discloses "the first storage unit that stores the physical quantity or information indicating the fact that the physical quantity exceeds the threshold only when the determination unit determines that the detected physical quantity exceeds the predefined threshold." (*Id.* at 10.)

The Examiner finds that

> Satou et al. teaches a storage unit (element 31) associated with a computer that stores a working condition (see column 6, lines 38–53) that is later outputted to a computer (element 30) after machining (see column 6, line 54 to column 6, line 11). Tajima

> et al. teaches storing abnormality information when it is judged that abnormalities have occurred (see Paragraph 8, also see paragraphs 10, 12 and 13) (in other words as a corollary it does not store information when abnormalities are not judged to have occurred) that must be stored and then sent by a public internet in the computer control by a host computer (element 10) of multiple machines (30a-30g).

(Final Action 3.)

Tajima discloses that

> when it is determined that abnormality occurs, abnormality occurrence information is sent to the host computer 10 via the public communication line. Various kinds of information can be sent as the abnormality occurrence information. For example, abnormality information indicating abnormality contents, an abnormality occurrence place and the like is sent. Otherwise, the operation state information stored in the operation state information storage unit 54b of the RAM 54 is sent. Otherwise, the abnormality information and the operation state information are sent.

(Tajima Verified Translation 4.)

The Examiner does not indicate where the cited art teaches that a) physical quantity or b) information indicating the fact that the physical quantity exceeds the threshold, is *only stored* when there is *a determination* that the physical quantity exceeds the predefined threshold. Moreover, the Examiner does not indicate where the cited art teaches a storage unit that "does not store any information when the determination unit determines that the detected physical quantity does not exceed the predefined threshold." (*See* Claim 1.) Rather, the cited portion of Tajima indicates that when there is no abnormality information, "operation state information [is] stored." (Tajima Verified Translation 4; *see also id.* at 2.)

Therefore, we are persuaded that the Examiner erred in rejecting claim 1. For the same reasons, we are persuaded that the Examiner erred in rejecting dependent claims 2–5.

DECISION

The Examiner's rejections of claims 1–5 under 35 U.S.C. § 103(a) are reversed.

REVERSED